

OFFICE OF THE MAYOR

Misc.

NEWARK HUMAN RIGHTS COMMISSION

CITY HALL, NEWARK, NEW JERSEY 07102 • 733-3890



COMMISSIONERS

LEONARD CHAVIS  
FRANK CURRY  
DR. RUSSELL GRECO  
MRS. HOPE JACKSON  
JOSEPH MANCHISI  
MRS. JEAN PALUMBO  
JOHNNIE PETERSON  
LOUIS PITTS  
DR. ROBERT SMALL  
MRS. ALICE TOWNSEND  
ISRAEL VELEE  
REV. JAMES WADE  
DANIEL WARNOCK  
COURTNEY WEEKS  
DANNY WILLIAMS

KENNETH A. GIBSON  
MAYOR

DANIEL W. BLUE, JR.  
EXECUTIVE DIRECTOR

SURVEY ON POLICE BRUTALITY CASES  
May 1, 1973

There is not a doubt that police brutality cases are the most frustrating cases received by human rights commissions across the nation, including the Newark Human Rights Commission. There will probably never be a cut and dry system for handling and resolving these cases to the satisfaction of the complainant and the commission.

There were a total of 73 human rights commission that responded to our survey on police brutality cases (attached is a breakdown by city, state and county).

In analyzing the various methods of those human rights commissions that received, investigated and tried to resolve these complaints, we found that there could be no one system in which police brutality cases could be handled. One must take into consideration such things as geographic locations of human rights commissions, the relationship between the police department and the human rights commission, and the attitudes of the people in a given region.

All of the above would have a determinate factor as to how well a given system of handling police brutality cases could work. We definitely feel that more involvement and input from the community would greatly increase understanding on both the part of the police department and the community. Greater participation between the police department and youths, possibly a Police Youth Committee.

In cities where police community relations bureaus are established (it is strongly suggested that cities establish these bureaus because they can be a useful tool in resolving police complaints) there should be greater correlation between the community relations bureau and the human rights commission. The two should have a close working relationship at all times. They should be allowed to jointly lecture police cadets upon the completion of their survival training.

Those commission (human rights) that received and attempted to resolve alleged police brutality complaints had a greater degree of success than those commissions who received and referred the complaint. Likewise those commissions who received the initial complaint had a greater degree of success than when the initial complaint was taken by the police department or internal affairs.

Listed below are some suggestions for handling police brutality complaints based on the replies that were received as a result of our survey and which seem to meet with some degree of success.

#### INITIAL COMPLAINT

The initial complaint should always be taken by the human rights commission because there is almost always a mistrust of the police department on behalf of the complainant, who might feel that the police department can not be objective and justice will not be done. The party feels that it is the police department that has aggrieved him in the beginning.

#### VERIFIED COMPLAINT

After statements have been taken from the charging party, a verified complaint is then signed and a copy forwarded to the police department.

#### INVESTIGATION OF COMPLAINT

Investigation of the alledged police brutality complaint should be conducted separately by both the human rights commission and the police department.

Statements from witnesses should be gathered.

Statements from accused officer should be secured. The commission should participate in the interrogation of the police officer accused.

Upon completion of the investigation, both the police department and the commission should meet to discuss the findings of their investigations. It is felt that with this type of exchange of witnesses statements, access to relevant department records and the taking of statements from the police personnel, it will provide for a more rapid and effective investigation and for faster resolution.

#### RESOLUTION

The survey revealed three effective methods in which to resolve alledged police brutality matters:

1. Director of the police department makes the decision based on facts revealed through both investigations.
2. Investigation turned over to the municipal council (where applicable) for decision.
3. Investigation is turned over to the Mayor for decision (where applicable).
4. Where none of the above can be instituted and if the complainant is not satisfied with the outcome and the commission feels the decision, based on their investigation, does not do justice for the complainant, the matter is turned over to (1) The Justice Department (2) Prosecutor's Office.

#### CONCLUSION

There can be no effective law enforcement without equal law enforcement. There must be a mutual respect for one another in the commission and the police department. The police department must recognize their responsibility as an extension of the community.

The role of both the community and the police department must be clearly defined. There must be more educational programs offered by the community on the role of the of the police department as it relates to their community as well as programs outlining the role and the responsibilities that the police department has with the community. These programs should be conducted jointly by the police department and human rights commission.

PREPARED BY THE NEWARK HUMAN RIGHTS COMMISSION  
DANIEL W. BLUE, JR., EXECUTIVE DIRECTOR  
MAY, 1973

BREAKDOWN ON STATUS OF POLICE BRUTALITY CASES

STATUS	CITY	STATE	COUNTY	
NO REPORTED CASES	7	5	2	
DO NOT HANDLE	11	8	2	
RECEIVES AND REFERS (ONLY)	9	3	2	
RECEIVES, INVESTIGATES, AND REFERS COMPLAINT TO POLICE DEPARTMENT	3	1	1	
RECEIVES, INVESTIGATES AND ATTEMPTS TO RESOLVE OR CONCILIATE	12	4	2	
TOTALS	42	21	9	72